

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Robert K. Samson CONFIRMATION NO.: 9675
SERIAL NUMBER : 09/766,277 EXAMINER : Daniel S. Felten
FILING DATE : January 19, 2001 ART UNIT : 3692
FOR : INVESTMENT GUIDANCE SYSTEM WHICH ENABLES INDIVIDUALS TO RATE
AND SELECT ASSETS BASED ON PERSONAL INVESTMENT PREFERENCES

Via EFS

APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b)

Applicant requests reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(b) to 1670 days as of the mailing of the Notice of Allowance. In support of this request, Applicant submits the following statement of facts pursuant to 37 C.F.R. § 1.705(b).

- (i) The United States Patent and Trademark Office (“Office”) calculated the adjustment under 35 U.S.C. § 154(b)(1)(A) as 1217 days (USPTO A Delay). Applicant does not dispute this number.
- (ii) The Office calculated the adjustment under 35 U.S.C. § 154(b)(1)(C) as 984 days (USPTO C Delay). Applicant does not dispute this number.
- (iii) The correct reduction of patent term under 35 U.S.C. § 154(b)(2)(C) for Applicant’s failure to engage in reasonable efforts to conclude prosecution of the application is 531 days (not 662 as calculated by the Office). This number differs from that calculated by the Office by 131 days.

The Office mailed a Non-Final Rejection on July 12, 2005. The application went abandoned on October 13, 2005 for Applicant’s failure to timely file a proper Response. The application was later revived based upon the granted petition decision mailed on June 19, 2006. Applicant believes that the Office incorrectly calculated the number of days of Applicant delay for the abandonment period according to 37 C.F.R. § 1.704(c)(3) as 131. However, in accordance with 37 C.F.R. § 1.704(c)(3), Applicant should have been assessed with 250 days of Applicant